



THE BUCKEYE INSTITUTE

**Interested Party Testimony Before the Ohio House Finance
Subcommittee on Transportation**

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Chairman McColley and Ranking Member Reece, thank you for the opportunity to testify regarding the Department of Rehabilitation and Corrections' (DRC) plan to rehabilitate low-level offenders in local communities. My name is Daniel J. Dew, and I am the Criminal Justice Fellow at The Buckeye Institute's Legal Center, a free-market think tank here in Columbus.

Ohio has tried criminal justice reform before. In 2011, the General Assembly passed the Justice Reinvestment Act, promising to relieve Ohio's overcrowded prisons by providing treatment options for low-level offenders suffering from drug and alcohol addiction. The money saved from fewer state incarcerations was supposed to be reinvested in local communities.

Unfortunately, those promises remain unfulfilled six years later, as Ohio's prison population and the DRC's budget still soar near record highs.

The failure of Ohio's Justice Reinvestment Act stands in sharp contrast to the success of a similar reform-reinvestment effort in Texas over the last ten years.¹ In 2007, Texas faced a skyrocketing prison population and was about to build costly new prisons. Since then, Texas has instead managed to save an estimated \$3 billion, close several of its prisons, and watch its crime rate steadily decline.² Why? Because unlike Ohio in 2011, Texas took the "investment" of its justice reinvestment program seriously and actually invested \$241 million to create a rehabilitative treatment infrastructure.³

Ohio's Own Success Story

Ohio need not look as far as Texas for a success-story worth emulating. We still boast one of the greatest criminal justice reform victories in the nation—the Juvenile Reasoned and Equitable Community and Local Alternatives to Incarceration of Minors program, or "RECLAIM" for short.

¹ *Effective Approaches to Drug Crimes in Texas: Strategies to Reduce Crime, Save Money, and Treat Addiction*, TEXAS CRIMINAL JUSTICE COALITION, (January 2013), available at [http://www.texascjc.org/sites/default/files/uploads/TCJC%20Addiction%20Primer%20\(Jan%202013\).pdf](http://www.texascjc.org/sites/default/files/uploads/TCJC%20Addiction%20Primer%20(Jan%202013).pdf), at 12.

² *Id.*

³ *Id.*

RECLAIM is a revolutionary market-based model that grants money to local communities to rehabilitate low- and moderate-risk youth rather than incarcerating them in Department of Youth Services (DYS) facilities. Since implementing RECLAIM, the DYS population has fallen 74%, and the recidivism rate for those who complete a RECLAIM program is just 7%, compared to 24% for those incarcerated in DYS facilities.⁴ The moderate-risk juveniles have shown a significant drop in the likelihood of recidivism as well—falling from 43% to 14% after completing a RECLAIM program.⁵ In addition to saving young offenders from the cycle of crime, The Pew Charitable Trusts reports that for every dollar Ohio has invested in RECLAIM, it actually saved \$45.⁶

RECLAIM has set an example worth following, and the DRC recently started testing a similar program for adults called Targeted Community Alternatives to Prison, or T-CAP. Currently, pilot counties receive DRC grant funds under T-CAP for substance-use monitoring and treatment, supervision services, local incarceration, electronic monitoring, and additional programming and resources, in exchange for voluntarily incarcerating and supervising low-level offenders locally.⁷ We are optimistic that the T-CAP program will prove as—if not more—successful than the RECLAIM effort thus far.

⁴ Ryllie Danylko, *Campaign Calls for Closure of Three Ohio Juvenile Corrections Facilities*, CLEVELAND.COM, (March 14, 2016), available at http://www.cleveland.com/metro/index.ssf/2016/03/campaign_calls_for_closure_of.html; *RECLAIM Ohio and Subsidy Grant Statistics: Fiscal Year 2015*, OHIO OHIO DEP'T OF YOUTH SERV., available at http://dys.ohio.gov/Portals/0/PDFs/CommunityPrograms/RECLAIM_Ohio/RECLAIM_Ohio_Statistics_2015.pdf, at 8.

⁵ *Id.*

⁶ *State-Local Partnership in Ohio Cuts Juvenile Recidivism, Costs*, THE PEW CHARITABLE TRUSTS, (2013), available at http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2013/psppstatelocalpartnershipinohiocutsjuvenilecidivismcostspdf.pdf.

⁷ *Targeting Community Alternatives to Prison by Helping Communities Manage Low-Level, Non-Violent Offenders: A New Pilot Program Explores Ways to Address Ohio's Increasing Prison Population*, OHIO DEP'T OF REHAB. & CORR..

Increasing Public Safety

At least 95% of people convicted and sent to state prison will be released and return to our local communities.⁸ We must therefore give careful consideration to rehabilitating and not just punishing those who will someday rejoin our neighborhoods, our businesses, our schools, and our playgrounds. Crime victims understand this truth and overwhelmingly support effective rehabilitation over mere punishment.⁹

One of only seven states to impose prison terms of less than one year, Ohio sent 4,300 people to prison for less than 12 months in 2015.¹⁰ Most states use local jails or community supervision for offenders sentenced to less than a year, and for good reason—prison terms without treatment and rehabilitation make offenders more dangerous when they return to the community. Studies show that sending low-level offenders to prison actually makes them “better” criminals by exposing them to hardened career criminals who mentor the young, impressionable inmates.¹¹ In the long run, communities, victims, taxpayers, and even offenders benefit from using local incarceration and supervision to treat and rehabilitate those sentenced to less than a one year term.

Providing more treatment for low-level offenders will also help fight Ohio’s drug epidemic that claimed 3,050 lives in 2015—a rise of more than 20% from 2014.¹² Prisons are notoriously

⁸ Timothy Hughes and Doris James Wilson, *Reentry Trends in The United States: Inmates returning to the community after serving time in prison*, BUREAU OF JUSTICE STATISTICS, Last visited March 20, 2017, available at <https://www.bjs.gov/content/reentry/reentry.cfm>.

⁹ *Crime Survivors Speak: The First Ever National Survey of Victims’ Views on Safety and Justice*, THE ALLIANCE FOR SAFETY AND JUSTICE, August 2016, available at <https://www.allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>.

¹⁰ *Targeting Community Alternatives to Prison by Helping Communities Manage Low-Level, Non-Violent Offenders: A New Pilot Program Explores Ways to Address Ohio’s Increasing Prison Population*, OHIO DEP’T OF REHAB. & CORR.

¹¹ See Donald T. Hutcherson, II, *Crime Pays: The Connection Between Time in Prison and Future Criminal Earnings*, *The Prison Journal*, (2012), available at <http://journals.sagepub.com/doi/pdf/10.1177/0032885512448607>.

¹² Alan Johnson, *Drug Overdose Deaths Pushed to Another Record High in Ohio*, THE COLUMBUS DISPATCH, (August 25, 2016), available at

infested with illegal drug use and drug addiction. Nonviolent drug offenders accounted for 27% of the state's commitment offenses in 2015,¹³ and the state is regrettably under-equipped to provide the treatment that most of the offenders need. Ohio prisons treat approximately 4,500 prisoners for drug and alcohol addiction—far fewer than the 30,000 inmates who need it.¹⁴ Failing to provide adequate drug and alcohol treatment to low-level offenders before releasing them into the community endangers the public and risks higher recidivism.

Rather than crowding state prisons with low-level offenders who inevitably divert addiction treatment resources from other inmates, Ohio should use local jails and community-supervised release programs to treat and rehabilitate those low-level offenders. Such an approach will offer more treatment options to low-risk offenders, will relieve overcrowded prisons, and will make treatment resources more available to state prisoners who need it most in order to reenter society safely and addiction-free.

Significantly, the T-CAP and RECLAIM programs focus on low-level, nonviolent offenders who commit drug and property crimes, and do not include truly dangerous criminals who should be imprisoned for lengthy terms in order to protect the public and prevent further harm.

Conclusion

By providing the treatment infrastructure that local communities need, the DRC's strategy to rehabilitate low-level offenders locally will make Ohio safer and save taxpayer dollars in the long run.

Thank you for time and consideration. I would be happy to answer any questions you might have.

<http://www.dispatch.com/content/stories/local/2016/08/25/drug-overdose-deaths-pushed-to-another-record-high-in-ohio.html>.

¹³ Alan Johnson, *Ohio Prison Population May Hit Record High This Summer*, THE COLUMBUS DISPATCH, (May 7, 2016), available at <http://www.dispatch.com/content/stories/local/2016/05/06/ohio-prison-population-could-hit-record-high-this-summer.html>.

¹⁴ Amanda Seitz, *Drug Treatment Rare in Prison – For Now*, THE DAYTON DAILY NEWS, (April 5, 2015), available at <http://www.daytondailynews.com/news/drug-treatment-rare-prison-for-now/r2zY1vdIyT33HbIe8CvCJN/>.